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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,631	09/04/2003	Jean-Marie Gatto	CYBS5872	8128
22430	7590	06/15/2007	EXAMINER	
YOUNG LAW FIRM, P.C. ALAN W. YOUNG 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028			THOMASSON, MEAGAN J	
		ART UNIT	PAPER NUMBER	
		3714		
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		06/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/656,631	GATTO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Meagan Thomasson	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 April 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-78 is/are pending in the application.  
 4a) Of the above claim(s) 13-62, 66-70 and 72-77 is/are withdrawn from consideration.  
 5) Claim(s) 6, 7, 65, 71 and 78 is/are allowed.  
 6) Claim(s) 1-5, 8-12, 63 and 64 is/are rejected.  
 7) Claim(s) 6, 7, 65, 71, 78 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 16, 2006 has been entered.

### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-12,63-65,71 and 78, in the reply filed on March 10, 2007 is acknowledged.

### ***Response to Arguments***

Applicant's arguments, see Remarks P. 20-22, filed October 16, 2006, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Specifically, the examiner agrees with the applicant that Chung does not disclose all of the limitations of claim 1, as the cited "load balancing" embodiment of Chung (Fig. 2, col. 7, line 13-19) does not in fact send "a separate transaction packet to each of the at least two central servers". In contrast, the practice of load balancing involves routing a single data packet to two separate

servers (in Chung the first server comprises the Backend Database [32] and the second server comprises one of the Game Servers [12] or [20]). Load balancing does not send **separate transaction packets** to each server. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Traversat et al. (US 2002/0147771 A1).

All other arguments have been considered but are moot in view of the new grounds of rejection.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 71 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 71 recites the limitation "the plurality of gaming machines" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 71 depends, recites "at least one gaming machine" but does not require a plurality of gaming machines.

Claim 71 recites the limitation "the N geographically dispersed central servers" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 71 depends, recites "at least two central servers" but does not require that said servers are geographically dispersed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-5,8,10-12, 63 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat et al. (US 2002/0147771 A1).**

Regarding claim 1, Traversat discloses an online system comprising; a communication network (Fig. 1A-1B), at least two central servers, each of the at least two central servers being coupled to the network, (Fig. 1B), wherein Traversat discloses that within the peer group shown in Fig. 1B any of the peer devices may serve as a client of or a server to any of the other devices (¶0019), thus the peer devices acting as servers is within the broadest reasonable interpretation of the claim,

at least one machine coupled to the communication network, each of the at least one machine being configured to play at least one game and to carry out a transaction for each of the at least two central servers by sending a separate transaction packet to each of the at least two central servers, (Fig. 4), wherein Traversat discloses a propagate pipe that allows any message sent by a single user to be transmitted to all listening users (¶ 0141,0146),

each of the separate transaction packets sent to each of the at least two central servers including an identical inbound payload (¶0146), wherein the messages sent to multiple users are copies of the original message and are thus identical to the original message.

*Traversat does not specifically disclose an online gaming system comprising at least one gaming machine configured to play at least one game and to carry out a game transaction for each game played.* Instead, Traversat discloses a peer-to-peer type networking system wherein users may initiate a message to be communicated to multiple users. However, peer-to-peer type online gaming systems are notoriously well known in the art, as evidenced by Multerer et al. (US 2004/002384 A1), and thus it would have been obvious to one of ordinary skill to implement the peer-to-peer communication system of Traversat in an online gaming system embodiment. Motivation to do so can be found in Traversat, ¶0013, which states that “peer-to-peer networking may be applied to a wide range of technologies”.

Regarding claim 2, Traversat discloses each of the at least two central servers returns a commit acknowledgment to the at least one gaming machine (¶0152).

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Regarding claim 3, Traversat discloses there exists a predetermined timeout period following the commit of a game transaction to each of the at least two central servers (¶0296). That is, a message, i.e. information request, is associated with a Time To Live such that the request does not propagate infinitely through the system. If a response is not received within the Time To Live, the message may timeout. If the message is valid, i.e. is of a proper format (e.g. of the "email safe" format, ¶0156) and is received within the Time to Live, the machine will acknowledge the validity of the message by displaying the response to the message in the form of the requested information.

Regarding claim 4, Traversat discloses the payload includes at least one of a machine ID, a user/player ID, a transaction GUID, a gaming machine originating/return address, a game ID, a game bet and an amount wagered (¶0149-0151).

Regarding claim 5, Traversat discloses the machine is configured to be an active participant in a fault tolerance of the online system (¶0143).

Regarding claim 8, Traversat discloses the communication network is the internet (¶0013) and wherein a protocol to transport a payload of each game transaction is UDP (¶0150).

Regarding claim 10, Traversat discloses the at least two central servers are geographically remote from one another (¶ 0300).

Regarding claim 11, Traversat discloses each of the at least two central servers comprises a trusted transactional cache, the trusted transactional cache being configured to process each committed game transaction received directly and

independently from each of the at least one gaming machine, and to provide real time persistent storage and logging of aspect of each committed game transaction.

Specifically, ¶ 0115 of Traversat discloses, "Peers may have persistent storage. A peer may optionally cache information" and further that "Once a service advertisement is sent out into the world there is no method of pulling it back in. However, each individual peer may have the ability to purge the set of cached advertisements that reside locally" (¶0216), thus implying that each transaction, i.e. message or advertisement, is received from each of the at least one machines.

Regarding claim 12, Traversat discloses the at least two central servers further comprise at least one of a trusted transactional cache, a business server and a logistic support server (¶0115).

Regarding claim 63, Traversat discloses the at least one gaming machine is configured to initiate and terminate the game transaction (¶0143), wherein a peer may initiate a request or leave a peer group.

Regarding claim 64, Traversat discloses the at least one gaming machine is configured as sole master of the game transaction (¶0143), wherein in the example given the peer that wants to use the spell checker is the sole master of the transaction, i.e., the peer that wants to use the spell checker controls what information is returned to him by way of querying other peers.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Traversat (US 2002/0147771 A1) in view of Caro et al. (US 2003/0050109 A1).**

Regarding claim 9, Traversat does not specifically disclose the at least two central servers and the at least one gaming machine are configured to support instant-draw and deferred-draw of random events. However, this is a common feature of networked gaming devices, including that disclosed by Caro. ¶0002 of Caro states that "A majority of the states in the United States have legalized public and private lotteries. Typically, these lotteries include numerous variations in two basic formats, i.e., an instant-type and a draw-type lottery. An instant lottery gets its name from the fact that determination of winning can be done virtually instantly. A draw-type lottery, on the other hand, requires the occurrence of another later event, i.e., a schedule future drawing, to determine whether and which, if any, players have won". Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the instant-draw and deferred-draw of random events of Caro in the networked communication system of Traversat as these types of draws are well known in the art.

#### ***Allowable Subject Matter***

Claims 6,7,65,71 and 78 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 6 is allowable over the prior art as Traversat does not disclose a synchronization log that includes identifiers of any transactions that were not acknowledged by a non-responding one of the at least two central servers after a predetermined timeout, the synchronization log being used to subsequently send the

unacknowledged transactions to the non-responding one of the at least two central servers. Instead, Traversat discloses that if messages are not received within a pre-determined period of time, i.e. the Time To Live, the message “dies” [0296]. Thus, the use of a synchronization log to record all non-acknowledged transmissions would not have been obvious to one of ordinary skill in the art.

Claims 7 and 78 depend from claim 6.

Claims 65 and 71 are allowable over the prior art as Traversat does not disclose that only the plurality of gaming machines are configured for recovery from network communication errors occurring during game transactions. Instead, the above interpretation of Traversat states that the gaming machines may act as servers, and thus the servers are also configured for recovery.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes Rothschild et al. (US 6,226,686 B1), drawn to a unicast network wherein a host node sends out multiple, identical packets to recipient nodes via routers (col. 3, line 56 – col. 4, line 35).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714

Meagan Thomasson  
June 11, 2007